

**ESSB 6724** - H COMM AMD

By Committee on Ways & Means

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 41.04.665 and 2008 c 36 s 3 are each amended to read as follows:

(1) An agency head may permit an employee to receive leave under this section if:

(a)(i) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature;

(ii) The employee has been called to service in the uniformed services;

(iii) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has needed skills to assist in responding to the emergency or its aftermath and volunteers his or her services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services; or

(iv) The employee is a victim of domestic violence, sexual assault, or stalking;

(b) The illness, injury, impairment, condition, call to service, emergency volunteer service, or consequence of domestic violence, sexual assault, or stalking has caused, or is likely to cause, the employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment;

(c) The employee's absence and the use of shared leave are justified;

(d) The employee has depleted or will shortly deplete his or her:

1 (i) Annual leave and sick leave reserves if he or she qualifies  
2 under (a)(i) of this subsection;

3 (ii) Annual leave and paid military leave allowed under RCW  
4 38.40.060 if he or she qualifies under (a)(ii) of this subsection; or

5 (iii) Annual leave if he or she qualifies under (a)(iii) or (iv) of  
6 this subsection;

7 (e) The employee has abided by agency rules regarding:

8 (i) Sick leave use if he or she qualifies under (a)(i) or (iv) of  
9 this subsection; or

10 (ii) Military leave if he or she qualifies under (a)(ii) of this  
11 subsection; and

12 (f) The employee has diligently pursued and been found to be  
13 ineligible for benefits under chapter 51.32 RCW if he or she qualifies  
14 under (a)(i) of this subsection.

15 (2) The agency head shall determine the amount of leave, if any,  
16 which an employee may receive under this section. However, an employee  
17 shall not receive a total of more than ((two hundred sixty one)) five  
18 hundred twenty-two days of leave, except that, a supervisor may  
19 authorize leave in excess of five hundred twenty-two days in  
20 extraordinary circumstances for an employee qualifying for the shared  
21 leave program because he or she is suffering from an illness, injury,  
22 impairment, or physical or mental condition which is of an  
23 extraordinary or severe nature. Shared leave received under the  
24 uniformed service shared leave pool in RCW 41.04.685 is not included in  
25 this total.

26 (3) An employee may transfer annual leave, sick leave, and his or  
27 her personal holiday, as follows:

28 (a) An employee who has an accrued annual leave balance of more  
29 than ten days may request that the head of the agency for which the  
30 employee works transfer a specified amount of annual leave to another  
31 employee authorized to receive leave under subsection (1) of this  
32 section. In no event may the employee request a transfer of an amount  
33 of leave that would result in his or her annual leave account going  
34 below ten days. For purposes of this subsection (3)(a), annual leave  
35 does not accrue if the employee receives compensation in lieu of  
36 accumulating a balance of annual leave.

37 (b) An employee may transfer a specified amount of sick leave to an

1 employee requesting shared leave only when the donating employee  
2 retains a minimum of one hundred seventy-six hours of sick leave after  
3 the transfer.

4 (c) An employee may transfer, under the provisions of this section  
5 relating to the transfer of leave, all or part of his or her personal  
6 holiday, as that term is defined under RCW 1.16.050, or as such  
7 holidays are provided to employees by agreement with a school  
8 district's board of directors if the leave transferred under this  
9 subsection does not exceed the amount of time provided for personal  
10 holidays under RCW 1.16.050.

11 (4) An employee of an institution of higher education under RCW  
12 28B.10.016, school district, or educational service district who does  
13 not accrue annual leave but does accrue sick leave and who has an  
14 accrued sick leave balance of more than twenty-two days may request  
15 that the head of the agency for which the employee works transfer a  
16 specified amount of sick leave to another employee authorized to  
17 receive leave under subsection (1) of this section. In no event may  
18 such an employee request a transfer that would result in his or her  
19 sick leave account going below twenty-two days. Transfers of sick  
20 leave under this subsection are limited to transfers from employees who  
21 do not accrue annual leave. Under this subsection, "sick leave" also  
22 includes leave accrued pursuant to RCW 28A.400.300(2) or 28A.310.240(1)  
23 with compensation for illness, injury, and emergencies.

24 (5) Transfers of leave made by an agency head under subsections (3)  
25 and (4) of this section shall not exceed the requested amount.

26 (6) Leave transferred under this section may be transferred from  
27 employees of one agency to an employee of the same agency or, with the  
28 approval of the heads of both agencies, to an employee of another state  
29 agency. ~~((However, leave transferred to or from employees of school  
30 districts or educational service districts is limited to transfers to  
31 or from employees within the same employing district.))~~

32 (7) While an employee is on leave transferred under this section,  
33 he or she shall continue to be classified as a state employee and shall  
34 receive the same treatment in respect to salary, wages, and employee  
35 benefits as the employee would normally receive if using accrued annual  
36 leave or sick leave.

37 (a) All salary and wage payments made to employees while on leave

1 transferred under this section shall be made by the agency employing  
2 the person receiving the leave. The value of leave transferred shall  
3 be based upon the leave value of the person receiving the leave.

4 (b) In the case of leave transferred by an employee of one agency  
5 to an employee of another agency, the agencies involved shall arrange  
6 for the transfer of funds and credit for the appropriate value of  
7 leave.

8 (i) Pursuant to rules adopted by the office of financial  
9 management, funds shall not be transferred under this section if the  
10 transfer would violate any constitutional or statutory restrictions on  
11 the funds being transferred.

12 (ii) The office of financial management may adjust the  
13 appropriation authority of an agency receiving funds under this section  
14 only if and to the extent that the agency's existing appropriation  
15 authority would prevent it from expending the funds received.

16 (iii) Where any questions arise in the transfer of funds or the  
17 adjustment of appropriation authority, the director of financial  
18 management shall determine the appropriate transfer or adjustment.

19 (8) Leave transferred under this section shall not be used in any  
20 calculation to determine an agency's allocation of full time equivalent  
21 staff positions.

22 (9) The value of any leave transferred under this section which  
23 remains unused shall be returned at its original value to the employee  
24 or employees who transferred the leave when the agency head finds that  
25 the leave is no longer needed or will not be needed at a future time in  
26 connection with the illness or injury for which the leave was  
27 transferred or for any other qualifying condition. Before the agency  
28 head makes a determination to return unused leave in connection with an  
29 illness or injury, or any other qualifying condition, he or she must  
30 receive from the affected employee a statement from the employee's  
31 doctor verifying that the illness or injury is resolved. To the extent  
32 administratively feasible, the value of unused leave which was  
33 transferred by more than one employee shall be returned on a pro rata  
34 basis.

35 (10) An employee who uses leave that is transferred to him or her  
36 under this section may not be required to repay the value of the leave  
37 that he or she used.

1       (11) The director of personnel may adopt rules as necessary to  
2 implement subsection (2)(a) through (c) of this section.

3       NEW SECTION.   **Sec. 2.** This act is necessary for the immediate  
4 preservation of the public peace, health, or safety, or support of the  
5 state government and its existing public institutions, and takes effect  
6 immediately."

7       Correct the title.

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